



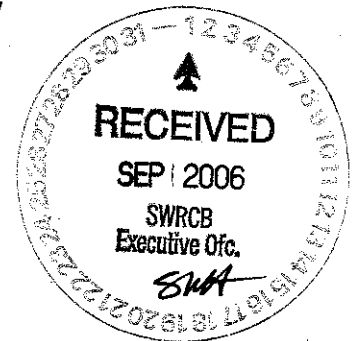
# California Metals Coalition

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Foundries □ Die Casters □ Metal Formers □ Machine Shops □ Metal Smelters  
Heat Treaters □ Powder Coaters □ Metal Forgers □ Rolling Mills □ Metal Extruders  
Fabricators □ Tool Makers □ Suppliers to the Metalworking Industry

September 1, 2006

Song Her, Clerk to the Board  
Executive Office - State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



RE: CALIFORNIA METALS COALITION COMMENTS REGARDING BLUE RIBBON PANEL REPORT

Dear Chair Doduc and Board Members:

On behalf of the California Metals Coalition, thank you for the opportunity to provide comments on the recommendations of the Stormwater Blue Ribbon Panel (BRP) Report entitled *The Feasibility of Numeric Effluent Limits Applicable to Discharges of Stormwater Associated with Municipal, Industrial and Construction Activities, June 19, 2006* (Panel Report). CMC, as well as many of our members, also attended the public hearings held recently in Sacramento and Los Angeles.

California's metalworking industry is comprised of nearly 10,000 businesses, employing over 500,000 Californians. These metalworking businesses are primarily small manufacturers, employing 75 or fewer employees. Metalworking facilities stamp, forge, form, bend, coat, and cast millions of metal products which are essential to our state and world economy. In addition, the metalworking industry in California creates work for suppliers, distributors, vendors, and shippers of our product. Manufacturers truly create jobs. A healthy manufacturing sector is good for all of California.

The members and leadership of the California Metals Coalition established **one of the first state-approved storm water compliance groups: the Metal Casting Storm Water Monitoring Group, Inc. (MCSMGI) in 1991-1992.** This program has been very successful and beneficial for metalworking companies of all sizes. Moreover, the technical leaders for the MCSMGI are experts in their field and provide guidance and oversight for compliance. Without question, groups are a vital part of the state's storm water program.

**COMMENT #1:** Because the authors of the Report do not qualify as experts **in all of the subject matter areas they purport to have researched**, and on which they have issued their opinions, the report itself has many flaws and cannot be relied upon. Our understanding is that the Blue Ribbon panel is composed of civil engineers who are experts in storm water treatment technologies. There do not appear to be any individuals who would qualify as experts in water chemistry, risk assessment or other important components in the decision making process to determine whether numeric effluent limitations are feasible in storm water permits. The experts on the Blue Ribbon panel are biased because they **all have a direct pecuniary interest in the imposition of numeric effluent limitations on all industries.**

CMC strongly recommends that the State Water Board reconvene an unbiased expert panel or one where one individual's bias may be outweighed by another's. These facts alone strongly undercut the credibility of the Blue Ribbon Panel if the State Water Board were to use their findings to support any changes to the current general industrial storm water permit that lead to the imposition of numeric limitations on industry, including CMC's members.

**COMMENT #2:** It would be neglectful not to again point out that the **lack of enforcement on non-filers** continues to hinder the state, water quality, and the regulated community. It is unfortunate that after 15 years of this program some facilities still operate without a storm water permit. CMC believes that **locating non-filers** is as simple as crosschecking a list of companies within a SIC code vs. the state's list of storm water permittees.

Also, **the ability to fine non-filers needs to be streamlined.** Currently, it is common knowledge that if a company is without a storm water permit or SWPPP, they can simply file for a permit and commonly avoid any fines. This system validates companies who wish to avoid the cost of compliance and wait to be forced to comply. CMC suggests that the **state water board immediately establishes a system to "ticket" and fine non-filers** without delay. This would raise addition funds for the state's storm water program and actually help make our waters cleaner.

**Accountability** is impossible if only a fragment of the state complies with storm water.

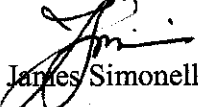
**COMMENT #3:** To assist with a plan going forward, CMC has worked closely with, and supports, the **CASQA Progressive Approach for industrial facilities.** This begins with BMPs and progressively moves towards additional compliance measures.

**COMMENT #4:** CMC agrees with the Panel's report that **SIC Codes are not the best way to establish future storm water permit requirements.** Industrial facilities within a SIC Code may vary in their operations. Moreover, they vary in outdoor vs. indoor operations—which is a key component to storm water management. CMC believes the state should review by industry rather than SIC Codes.

**COMMENT #5:** The State Water Board should consider the total economic impact of the stormwater program and not unduly penalize California industries with respect to industries outside of California (page 21). CMC concurs with this position and recommends that the State Water Board consider options for minimizing cost (e.g., incentives for moving activities indoor, cost effective monitoring programs). This action could also be implemented through groups, such as MCSMGI.

Overall, CMC believes the state's storm water program is working well for our industry, but can always be incrementally improved. Our comments and the *Progressive Approach* will move all of us forward without the expensive and extreme leap to numeric effluent limits. On behalf of CMC, thank you for the opportunity to comment and participate in this process. We welcome the opportunity to work with the Board and its staff to constructively use the Panel recommendations and observations to improve the storm water program in California.

Sincerely,

  
James Simonelli  
Executive Director